

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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LOUISIANA-PACIFIC CORPORATION,	)	
	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	No. 3:18-cv-00447-JPM
	)	
JAMES HARDIE BUILDING	)	
PRODUCTS, INC.,	)	
	)	
Defendant/Counter-Plaintiff/Third-	)	
Party Plaintiff,	)	
	)	
v.	)	
	)	
THE KRUSE BROTHERS, INC.,	)	
	)	
Third-Party Defendant.	)	

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**ORDER GRANTING EMERGENCY MOTION FOR PROTECTIVE ORDER**

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The cause is before the Court on Defendant James Hardie Building Products Inc.'s Emergency Motion for Protective Order for Deposition of Tim Ross. (ECF No. 113.) The Court has considered the motion and finds that the Notice to Take Limited Deposition of Tim Ross is defective on its face because the Notice seeks to compel the subject of the deposition to appear more than 100 miles of where the person resides, is employed, or regularly transacts business in person. In such instances, the Court must quash the subpoena that compels attendance. Fed. R. Civ. P. 45(d)(3)(A)(ii). Accordingly, Defendant's motion for protective order is GRANTED and Tim Ross need not appear as requested in the Notice.

**SO ORDERED**, this 26th day of July, 2018.

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/s/ Jon P. McCalla  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE